

REMARKS

This paper is in response to the non-final official action mailed December 20, 2007, in which claims 18-22 were pending and claims 18-22 were rejected. By this amendment, claims 18, 19, 21, and 22 are amended. Support for the amendments to claims 18, 19, 21, and 22 may be found in the specification and claims as originally filed. No new matter is added. Thus, claims 18-22 remain pending and at issue.

This paper is timely filed as it is accompanied by a petition for a one-month extension of time and the required fee.

Claim Objections

The applicants respectfully submit that the objections to claims 19 and 21 are overcome by the amendments to claims 19 and 21 herein. The applicants respectfully request withdrawal of the objections to claims 19 and 21.

35 U.S.C. § 112 Rejections

Claims 18-22 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The applicants respectfully traverse the rejections and submit that the rejections should be withdrawn.

The applicants respectfully submit that claims 18-22 were not indefinite under 35 U.S.C. §112 because a claim is considered definite as long as “the scope of the claims is clear so the public is informed of the boundaries of what constitutes infringement of the patent.” *See* M.P.E.P. §2173. Nevertheless, the rejections of claims 18-22 for indefiniteness should be withdrawn in view of the amendments to claims 18-22 presented herein.

35 U.S.C. § 102 (e) Rejection

The applicants respectfully traverse the rejection of claims 18-20 and 22 as anticipated by U.S. Patent No. 6,748,295 to Tilles et al. (“Tilles”). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628 (Fed. Cir. 1987). Each of claims 18-20 and 22 recites a method or device for the transmission of notifications to users of an electronic parcel compartment system comprising, in part, “generating notification orders” and “writing the notification orders into a communication request queue so that the notification orders can be sent in a deferred manner.” Tilles fails to disclose or suggest writing notification orders into a communication request queue so that the notification orders can be sent in a deferred manner.

Tilles discloses an item delivery and retrieval system with a storage subsystem which includes a storage carousel and a computer system on which a web page based customized application software is implemented. The application software provides the possibility of internet e-mail notification. However, the e-mail notification is sent as soon as a respective item is stored in the carousel of the system. *See* Tilles, col. 13, lines 49-50. Thus, Tilles fails to disclose that notification orders within the system are written into a queue so that the notification orders can be sent to the users in a deferred manner, as is recited by each of claims 18-20 and 22. The applicants respectfully request withdrawal of the rejection of claims 18-20 and 22.

The official action alleges that Tilles discloses “a software instruction queue” that can be interpreted as a communication request queue and that Tilles also discloses sending orders in a deferred manner. *See* the official action, page 4 and

Tilles Abstract and col. 12, lines 55-59. The applicants respectfully disagree. Tilles discloses that if physical delivery of a package was unsuccessful by a courier, the package is sent back to a delivery facility. Once at the delivery facility, an employee uses a back office subsystem module to initiate loading the package into the storage unit. See Tilles col. 12, lines 59-65. However, once the package is loaded onto the carousel, the email alert is sent immediately. See Tilles, col. 13, lines 49-65. Tilles does not disclose or suggest sending the alert into a queue for deferred delivery at a later time. Contrary to the allegation in the official action, Tilles does not disclose or suggest writing notification orders to a communication request queue for sending in a deferred manner, as is recited by each of claims 18-20 and 22.

The claimed method and system have the advantage that by sending the communications in a deferred manner, reminder notifications can be sent at later points in time (e.g., two or seven days later), and failed sending attempts are automatically repeated. See the instant application, page 9, line 33 to page 10, line 2. Moreover, sending SMS messages as certain times of day can cause an unwanted disturbance due to audio alerts on mobile devices. For example, sending SMS messages during sleep hours could cause a recipient to be awakened unintentionally. See the instant application at page 24, lines 9-16. The claimed method and system solve this problem by delaying SMS messages until morning hours. Tilles fails to even recognize this problem because the e-mail messages sent by the Tilles system typically do not cause such disturbances.

35 U.S.C. § 103 Rejection

The applicants respectfully traverse the rejection of claim 21 as obvious over Tilles in view of U.S. Patent No. 6,333,973 to Smith et al. ("Smith"). "All words in a claim must be considered in judging the patentability of the claim against the prior

art.” M.P.E.P. § 2143. Claim 21 recites a method for the transmission of notifications to users of an electronic parcel compartment system comprising, in part, “generating notification orders” and “writing the notification orders into a communication request queue so that the notification orders can be sent in a deferred manner.” As shown above, Tilles fails to disclose or suggest this element.

Smith also fails to disclose or suggest writing the notification orders into a communication request queue so that the notification orders can be sent in a deferred manner, nor was Smith cited as disclosing such an element. Smith discloses an integrated message center that operates telecommunication equipment. The telecommunication equipment receives messages corresponding to pending messages that could not be delivered. However, Smith, like Tilles, discloses immediately informing the user via a SMS Message. To the contrary, the claimed method recites writing the notification orders into a communication request queue for sending in a deferred manner.

Because Tilles and Smith fail to disclose or suggest writing the notification orders into a communication request queue so that the notification orders can be sent in a deferred manner, as is recited by claim 21, claim 21 cannot be rendered obvious by any combination of Tilles and Smith. The applicants respectfully request withdrawal of the rejection of claim 21.

Conclusion

In view of the foregoing, reconsideration of the rejections and allowance of all pending claims is believed to be proper, and is solicited.

Should the examiner wish to discuss the foregoing or any matter of form in an effort to advance this application toward allowance, he is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

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